

13th Polar Law Symposium Special Online Session

Provisional Program as of 20 September 2020

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1. International Rule of Law in Polar Regions

1.1 Discussion Panel on Emerging Legal, Policy and Scientific Issues in the Antarctic

Convenors: Zia Madani, Mami Furuhashi, Akiho Shibata

Objective: This panel will tackle the emerging issues within the arena of the Antarctic from tridimensional perspectives of law, policy and science. These would range from law of the sea, international environmental law and Biodiversity beyond National Jurisdiction (BBNJ) related issues and developments to the standing and significance of science within the Antarctic governance. In doing so, both regional as well as international legal and policy regimes would be taken into consideration and also examination of both historical and prospective (namely ones related to 2048) developments is necessary. This panel is generously supported by Kobe University Rokkodai Foundation and Kobe University Center for Social Systems Innovation.

Interactive seminars (TBC):

November 17, 10:30JST: *Polar Regions, International Law and Areas beyond National Jurisdiction* (see flyer)

Speakers: Claire Christian & Nicole Bransome; Nicolas Kempf

Fellow: Onur Sabri Durak

November 19, 15:00JST: *Antarctic Governance: Interfaces between Law and Science?* (see flyer)

Speakers: Yelena Yermakova; Valeria Eboji; Gustavo Ramirez Buchheister

Fellows: Yelena Yermakova; Carolina Flores

November 24, 08:00JST: *Recent Developments of International Environmental Law in the Polar Regions*
(see flyer)

Speakers: Xueping Li; Carolina Flores; Onur Savri Durak

Fellow: Nicolas Kempf

1.2 Individual Presentations (TBC)

A Bi-Polar International Rule of Law for 2020 and Beyond ? Aiming for Global Order in the Madness of the Arctic and Antarctica

Itai Apter

The role of Argentina and Australia in managing the geopolitical tensions within the ATS.

Bruno Arpi

Extraterritoriality and the Rule of Law

Trevor Daya-Winterbottom

Responsibility to protect the environment and polar regions: current trends

Carolina Flores

Legitimacy and the Arctic Council

Christoph Humrich

Colonisation and Decolonisation at the Poles

Rachael Lorna Johnstone

Role of International Trade and Investment Rules to Promote Operation of Unmanned Surface Vessels in the Arctic Ocean

Tomohiko Kobayashi

Humans or Environment: Who Decides the Rules of Law in Polar Regions?

Hugo Lopez

Visions of Independence and Sovereignty in the Arctic

Bent Ole Gram Mortensen

Fewer Treaties, More Soft Law: A New Policy Paradigm? Case of the Arctic

Hema Nadarajah

Prosecuting Transnational Crime in the Polar Regions - Exercising Jurisdiction in Areas of Limited Statehood

Raphael Oidtmann

Bifurcated Sovereignty in the Arctic ? Lessons for Outer Space

Andrew Simon-Butler

The Arctic Council ? From Rovaniemi into the Future

Malgorzata Smieszek

The Rule of Law and the Science Pillar in the Antarctic Governance

Yelena Yermakova

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2. Policy-Law-Science Nexus in Polar Regions

2.1 Discussion Panel on Policy-Law-Science Nexus in Polar Regions

Convenors: Akiho Shibata, Hiroyuki Enomoto

Objective: This panel will share the experiences from international forums and mechanisms that try to connect legal and policy needs with polar sciences or vice versa. Through such experience sharing, this panel examines the constitutive elements of institutional designs that would promote and strengthen policy-law-science nexus to achieve an effective decision-making at international/global level. Some focused discussions are expected on (1) the Arctic Council, (2) Arctic Science Cooperation Agreement, and (3) polar marine scientific research. This panel is generously supported by [ArCS II](#) and KAKENHI.

On-Demand Video Viewing:

September 3, 18:00JST: *IPCC Special Report on Ocean and Cryosphere in a Changing Climate: Policy and legal implications for polar regions* (see flyer)

Speakers: Sandra Cassotta; Hiroyuki Enomoto

Fellow: Romain Chuffart

September 17, 16:00JST: *The Future of the Arctic Council* (see flyer)

Speakers: Malgorzata Smieszek; Alexander Sergunin

Fellow: Romain Chuffart

Interactive seminars:

November 11, 17:00JST: *Antarctic science-policy interface: a success story?* (see flyer)

Speakers: Neil Gilbert; Kevin Hughes & Evan McIvor

Fellow: Gustavo Ramirez Buchheister

This seminar is co-organised by SCAR SCHASS PoLSciNex Action Group and generously supported by Kobe University Center for Social Systems Innovation.

November 12, 16:00JST: *Arctic Science Cooperation Agreement: Implications for Asian countries and their scientists* (see flyer)

Speakers: Han Liu; KyongSa Ri; Akiho Shibata

Fellow: Han Liu; KyongSa Ri

November 13, 19:00JST: *Arctic Sciences and International Law: Law of the Sea, Cultural Heritage Law, and Trade Law* (see flyer)

Speakers: Hilde Woker; Emily Tsui; Tomohiko Kobayashi

Fellows: Emily Tsui; Hilde Woker

2.2 Individual Presentations (TBC)

What is Arctic in Japan's Arctic policy?

Julie Babin

The application of the precautionary approach to Southern Ocean fisheries and Marine Protected Areas

Jiliang Chen

Sharing Arctic Science: Applying the Common Heritage and Common Concern of Humankind in the Arctic

Medy Dervovic

Implementation of IMO Polar Code: A Critical View Through a Multidisciplinary Approach

Nasih Sarp Erguven, Burcu Ozsoy, Ozgun Oktar, Sinan Yirmibesoglu

Are management decisions in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) based on 'best available science'?

Lyn Goldsworthy

Science diplomacy in the Arctic

Maxim Gutenev

Implementation of the Ecosystem Approach in the Arctic: Achievements and Future Challenges

Osamu Inagaki, Shigeto Nishino, Vito De Lucia, Naomi Harada

China's rights in the Arctic under international law and occasions for the rulemaking

Mariia Kobzeva, Andrey Todorov

Experience in investigating quantitative characteristics of the State Target Scientific-Technical Program (STSTP) execution efficiency for Ukraine's Antarctic Research for 2011-2020

Oleksandr V. Kuzko, Mikola A. Leonov

The Impact of Arctic Scientific Cooperation Agreement on Non-Arctic states

Han Liu

The Antarctic Extended Continental Shelf: Lessons from the Arctic

Gustavo A. Ramirez Buchheister

Greening the EU's Arctic Involvement: Analysing the Impacts of the EU Green Deal on the Arctic

Andreas Raspotnik, Romain Chuffart

A Comparative Case Study of the Arctic Science Cooperation between Japanese and South Korean societies: From a Critical Theoretical Perspective

KyongSa Ri

Ushuaia's role in the Argentine Antarctic policy and the influence of capitalism in the city through Antarctic tourism in the 20th century

Valeria Analis Trezza

The Legal Regime Governing the Discovery, Protection, and Management of Underwater Cultural Heritage in the Arctic Region

Emily C. Tsui

The Law-Science Interface within the Law of the Sea

Hilde Juliette Woker

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3. Protecting Marine, Terrestrial Polar Environments

3.1 Discussion Panel on Emerging Legal Issues in Protecting the Arctic Environment

Convenors: Akiho Shibata, Kentaro Nishimoto, Yuko Osakada

Objective: This panel examines emerging legal issues confronting the Arctic environmental protection, including plastic pollution and continental shelf oil production in the Arctic and aims to provide accurate and easy-to-understand information on those issues to the Arctic academic community as well as to the general public. This panel is proudly co-organised by [ArCS II](#) Research Program on Designing Resilient International Legal Regimes for a Sustainable Arctic and the Contribution of Japan.

Interactive Lecture:

November 26, 18:00 JST: *Open lecture on 'Plastic Arctic'- How does law deal with the emerging threat of Arctic plastic pollution?* (see flyer)

Speaker: Seita Romppanen

Fellow: Ognyan R. Savov

3.2 Individual Presentations (TBC)

Regulation of Bottom Trawling Beyond 200 Nautical Miles Based on Extended Shelves' Rights

Ekaterina Antsygina

Re-imagining the Law of the Sea Lessons from the protection of biological diversity in the Arctic ocean

Gabriela Arguello

Strategic Approaches to Antarctic Protection

Kees Bastmeijer

A review of the recent contributions of East Asian states to Southern Ocean governance and key opportunities for future engagement

Nicole Bransome, Eunhee Kim, Julian Chen, Randal Helten, Claire Christian, Cassandra Brooks

The role of Port Cities as logistical hubs: How do we monitor the fulfilment of polar protocols?

Alexandra Carleton

Legal and geopolitical considerations in the proposal of the Weddell Sea as a Marine Protected Area; consequences of applying the rule of consensus in environmental matters

Giovannina Sutherland Condorelli

Indigenous Energy Justice - Contributing to Decolonizing Energy Laws

Ranjan Datta

A Clash of International Conventions or a Multi-Level Protection of the Antarctic Marine Environment? Dealing with Non-Native Species in the Antarctic Region

Onur Sabri Durak

Reforming the environmental protection law for the mineral resource industry in Greenland ? implementing the ecosystem approach in the regulatory structure for protection of the marine environment

Nana Amalie Harbo

Polar Marine Protected Area Policies: Contested Normative Structures

Christoph Humrich

The Foundation of the Ecosystem Approach: The Travaux Préparatoires of the CAMLR Convention Revisited

Osamu Inagaki

Conserving the Outstanding Aesthetic Value in Antarctica: The Matching Rules and Environmental Regulation

Xueping Li

Endangering Endangered Species Protection in the American Arctic

Sarah Mackie

Regulating Anthropogenic Underwater Noise from Shipping in the Arctic Region: Challenges and Opportunities

Maruf

'Plastic Arctic' ? How Does Law Deal with the Emerging Threat of Arctic Plastic Pollution?

Seita Romppanen

Mapping conservation and rational use of the Southern Ocean: Is CCAMLR effectively achieving its objectives?

Ricardo M. Roura, Claire Christian, Frits Steenhuisen

Legal Interaction between Basel Convention and Emerging Hazardous Wastes Issues in the Arctic

Fajar Ajie Setiawan

4. Humans and Human Security in Polar Regions

4.1 Discussion Panel on Rights of Indigenous Peoples in the Arctic

Convenors: Yuko Osakada

Objective: This panel examines the possibilities and limitations of the rights of indigenous peoples in the Arctic region. This study includes, for example, an examination on how the rights of indigenous peoples have been implemented in Arctic states, and how the rights of indigenous peoples have influenced on the other filed of international law, including international environmental law.

Interactive seminars (TBC):

4.2 Individual Presentations (TBC)

The relationship between the concepts of gender based adaptation and socio-economic resilience under the transnational climate regime.

Raihanatul Jannat

The Ainu and the Arctic

Yuko Osakada, Ánde Somby, Kanako Uzawa, Hideaki Uemura, Dalee Sambo Dorough, Gudmundur Alfredsson

The Role of Governance in Promoting the Resilience of Arctic Communities

Rachel Westrate, Sarah E. Mackie

Co-management as the Foundation for Arctic Security: Building a Bridge between the Transnational & Westphalian Worlds

Barry Scott Zellen

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5. Resources and Industries in Polar Regions

5.1 Discussion Panel on Resource Development and Indigenous Peoples in the Arctic

Convenors: Osamu Inagaki, Mami Furuhashi, Nikolas Sellheim

Objective: The principal objective of this panel is to identify recommendations for non-Arctic actors engaged in resource development in the Arctic from the perspective of Indigenous Peoples. This panel is generously supported by Mitui & Co, Environment Fund.

Interactive seminars (TBC):

5.2 Individual Presentations (TBC)

Polarity Practice: Spatial implications of the Svalbard and Antarctic Treaties

Emily Aquilina

“The Regulation of International Trade in Polar Bears: the Voice of Aboriginal People in Canada”

Malaika Bacon-Dussault

Towards an evidence-based framework for managing tourism in the Antarctic

Claire Christian, Ricardo Roura

A new ILBI for the governance of arctic marine resources under the BBNJ umbrella: Appraising the modus of conservation and sustainable development

Sabrina Hasan

Polar Inter-legality: Arctic Indigenous Communities and Antarctic Icebergs as Subjects of Negative and Positive Inter-legality

Imad Antoine Ibrahim

Indigenous peoples' land rights in Finland (Sweden) ? Contemporary Perspectives

Juha Joonas

Arctic Justice: Introduction to JUSTNORTH, a Horizon 2020 project with Finnish case studies

Tanja Joonas

Legal Monitoring of the Investment Projects in the Indigenous Lands

Nikita Kaplin

Ognyan Rumenov Savov

Russia's Energy Ambitions in the Arctic: Cooperation with Asia

Maria Shagina

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6. The Law of the Sea and Polar Regions

6.1 Discussion Panel on the Future of Arctic Ocean Governance

Convenors: Kentaro Nishimoto

Objective: This panel will examine the challenges concerning the sustainable use of the Arctic Ocean, focusing on the regulation of shipping, the development of seabed resources, and the utilization of living resources in the Arctic.

Interactive seminars (TBC):

6.2 Individual Presentations (TBC)

Shortcomings of the Straddling Fish Stocks Agreement in the Antarctic: Can CCAMLR remedy the shortfall of UNCLOS?

Alexandra Carleton, Zia Madani

An Antarctic perspective on the BBNJ and IPCC processes

Claire Christian, Nicole Bransome

Bioprospecting: different legal regimes for Arctic and Antarctic or a single legal regime?

Valeria Eboli

Determination of extended continental shelf boundaries in the Arctic Ocean

Viatcheslav Gavrilov

Polar Shipping Challenges Requiring a Global Response ? What Role for Unilateralism?

Arron N. Honniball

Post-2048 ATS: Some inspiring International Seabed Authority tools

Nicolas Kempf

A 'very curious amalgam': International Law and conservation and protection of Underwater Cultural Heritage in Antarctica

David Kenneth Leary

The BBNJ Agreement and the Governance of the Arctic Ocean

Kentaro Nishimoto

The Law of the Sea in the Age of Building an Appropriate Governance of Polar Regions

Vonintsoa Rafaly

The Politics of Russian Arctic shipping: the interplay of security/geopolitical and legal factors

Alexander Sergunin

Harmonization or Collision: The Relationship between Science and Experience in the Arctic Ocean

Makoto Seta

The Northern Sea Route in the 2010s: trends in development and implementation of Russian law

Jan Jakub Solski

Can Non-Arctic Countries Make the Regime in the Arctic Region? Game Theory Analysis on the EU-China Leadership Battle of International Regime Making in the Arctic between EU's Liberalism or China's Regional Multilateralism?

Jiangtian Xu

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7. New Panel Proposals

7.1 Discussion Panel on the Resilience of the Antarctic Treaty System

Convenors: Julia Jabour and Akiho Shibata

Objective: This panel will investigate the normative and institutional components of the Antarctic Treaty System, by themes, to test their legal strength and resilience against a range of perceived or actual challenges that have been claimed by some international relations scholars as well as in media. The panel composed of international law scholars will set these challenges against the legal object and purpose of the constitutive instruments within the System, with the aim of assessing whether simply having flexible foundational principles, such as a 'bifocal' or broad interpretation of rights, will be sufficient to counteract serious challenges potentially leading to the collapse of the

Interactive seminars (TBC):

7.2 Panel Presentation (TBC)

Changing Arctic Governance and its Implications: From South Korean Perspectives'

Minsu Kim, Jeehye Kim, Umji Kim, Seulgi Lee

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